HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.599 OF 2004

Durgaprasad Purshottamdas & Co. ... Appellant

Versus

Dy.Commissioner of Income Tax ... Respondent

Ms. Beena Pillai i/by Vijay Kakwani for the Appellant.

Mr. Ashok Kotangale for Respondents.

**CORAM: F.I. REBELLO &**
**J.P.DEVADHAR, JJ.**
**DATED: AUGUST 06, 2007**

**P.C.:**

. The present appeal arises from the order passed in the M.A. Against that order, appeal have already been preferred in this court which is pending. This court in the judgment reported in 272 I.T.R. 397 has taken a view that the appeal would not be maintainable against the order passed in M.A. Considering that, the contentions can be urged in the main appeal itself.

. In the light of the above, the learned counsel seeks leave to withdraw the appeal with liberty to raise the contentions in the main appeal itself. Appeal disposed of as withdrawn with liberty as prayed for. Refund of court fees as per rules.

**(J.P.DEVADHAR, J.)** **(F.I.REBELLO, J.)**